

Notice of Allowability

Application No.

10/092,374

Applicant(s)

GIERL ET AL.

Examiner

Art Unit

Brian T. Pendleton

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to request for continued examination on 8/30/05.
2. ☒ The allowed claim(s) is/are 1,2,7,9,15,17,23 and 24.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 9/28/05 and 8/30/05 were filed after the mailing date of the Notice Of Allowance on 6/1/05, but also after a Request for Continued Examination (RCE). The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Allowable Subject Matter

Claims 1, 2, 7, 9, 15, 17, 23, and 24 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose the allowable feature of stereo reproduction when a control signal value lies between a first threshold value and a second threshold value, pseudo-stereo reproduction when the control signal value lies between a second threshold value and a third threshold value, and mono reproduction when the control signal value lies below the third threshold value, the first threshold value being greater than the second threshold value, and the second threshold value being greater than the third threshold value, which is required by independent claims 1, 7, and 15. Sakai discloses a system that accomplishes stereo, pseudo-stereo, and mono reproduction according to a control signal, the received electric field level. The first threshold value is infinity, the second threshold value is E_{h1} and the third threshold value is E_{h3} , as described in the previous Office Action. However, as shown in figure 7, mono reproduction is effected when the control signal lies between a second threshold value and a third threshold

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value and pseudo-stereo reproduction is effected when the control signal lies below a third threshold value. This teaches away from the claimed invention. As a result, Sakai does not disclose nor suggest the allowable feature. Taira discloses a channel separation control system comprising pseudo-signal generation unit 11, receiving state judgment unit 9, proportion determination unit 12, and multipliers 13. However, Taira only discloses stereo and pseudo-stereo reproduction and does not suggest the use of a mono reproduction mode and a third threshold. Newly cited references to Ohashi, US Patent 5,455,866, Ishida et al, US Patent 5,253,299, and Howlett et al, US Patent 5,701,345 all disclose stereo separation control based on the detected level of a demodulated signal or electric field level strength. The references switch or blend between monophonic reproduction and stereophonic reproduction and pseudo-stereo is not disclosed nor suggested. As a result, independent claims 1, 7, 15 and their dependents, claims 2, 9, 17, 23, and 24 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Pendleton whose telephone number is (571) 272-7527. The examiner can normally be reached on M-F 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian T. Pendleton
Primary Examiner
Art Unit 2644



btp